

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate Qwest's Switched Access Charge Rates.	)	Application No. C-3345/NUSF-42/PI-93
	)	
	)	Filed: May 9, 2005

In accordance with to Rule 016.11 of the Rules of Commission Procedure and Rules 33, 34, and 36 of the Nebraska Discovery Rules for all Civil Cases, Qwest Corporation ("Qwest") submits the following discovery requests to the Department of Communications of the Nebraska Public Service Commission ("Department"). Qwest requests that the Department respond to these discovery requests on or before May 23<sup>rd</sup>, 2005, the time set by a scheduling order entered by the Commission in this case.

These discovery requests are continuing and require supplemental answers if additional pertinent information is obtained. See Nebraska Rule of Civil Procedure 26(e).

### DEFINITIONS

1. The terms "relating," "related," or "which relates to" means constitutes, refers to, contains, embodies, evidences, reflects, contradicts, refutes, identifies, states, deals with, bears upon, or is in any way logically or factually connected with any matter described.

2. The terms "document" or "statement" refer to and shall mean and include any written, typed, printed, recorded or computer-produced or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated or made, including, but not limited to, reports, letters, correspondence,

memoranda, records, summaries, analyses, results or reports of investigations, recommendations, diaries, books, messages, electronic mail (whether in hard copy form or as stored on disc or computer hard drive), notes, tapes, drawings, graphs, photographs, microfilms, telegrams, periodical articles, computer printouts and any other writing, drawing, or records.

3. Terms in the plural include the singular, and terms in the singular include the plural.

## INSTRUCTIONS

1. Whenever the Department are requested to identify or describe a document or statement, state with respect to such document or statement the following:

a. The nature, date and substance of the document or statement with sufficient particularity to enable it to be identified, including its title, if any;

b. The name, business affiliation and address of each person or persons who drafted, caused to be drafted and/or revised such document or statement; and

c. The name, business affiliation and address of each person who presently has custody of the document or any copy of it and any other description necessary to enable its custodian to locate the document or statement.

2. Whenever the Department is requested to identify or describe a person, state with respect to each such person the following:

a. his, her or its full name;

b. his, her or its present or last known address;

c. his, her or its present or last known telephone number; and

- d. his, her or its position, title and business affiliation.
3. If the Department objects to any discovery request, set forth all reasons for the objection. If the Department claims privilege as a basis for not complying with any question in full or in part, describe the factual basis for the claim of privilege in detail sufficient to permit the Commission to rule upon the validity of the claim. If the Department objects to any part of any discovery request, answer the remaining part(s) completely.
4. If any information called for by a discovery is unknown to the Department, so state and then state all remaining information that is known to the Department.

#### DISCOVERY REQUESTS

1. Is the Department aware of any negotiations taking place between any carriers relating to switched access charges as outlined in Neb. Rev. Stat. § 86-140(1)? If so, identify and describe those negotiations.
2. With respect to Qwest's new switched access rates:
  - a. Do you contend that there are any implicit subsidies in Qwest's new switched access rates?
  - b. If your answer to part (a) is yes, what is the amount of the implicit subsidy?
  - c. If your answer to part (a) is yes, how did you calculate the amount of the implicit subsidy?
  - d. If your answer to part (a) is no, how did you determine that no subsidy existed?
3. Do you contend that Qwest's access rates are not just and reasonable?
  - a. If so, why?
  - b. If so, what rate would be just and reasonable?

4. Neb. Rev. Stat. § 86-140 provides in part that “the commission shall not order access charges which would cause the annual revenue to be realized by the local exchange carrier from all interexchange carriers to be less than the annual costs . . . incurred or which will be incurred by the local exchange carrier in providing such access services.” With reference to this statute,

- a. How do you contend the “revenue” referred to should be computed?
- b. What rate elements should be included in the “revenue” referred to in § 86-140?
- c. How do you contend the “costs” referred to should be computed?
- d. What elements of cost should be included in the “costs” referred to in § 86-140?

5. Please answer the following interrogatories relating to the statements of the Director set forth in paragraphs 1 through 9 of the Motion for Interim Relief Pending Investigation:

- a. Briefly describe the factual basis for the proposition that Qwest has not faced a significant reduction in NUSF support as a result of the transitional period (Department Motion ¶ 3). Identify and produce all documents that relate to that factual basis.
- b. Briefly describe the factual basis for the proposition that Qwest’s increase in switched access charges does not correspond to the reduction in support faced by Qwest at the present time (Department Motion ¶ 4). Identify and produce all documents that relate to that factual basis.
- c. Briefly describe the factual basis for the proposition that Qwest’s increase in switched access charges is not based on costs incurred on the network (Department Motion ¶ 5). Identify and produce all documents that relate to that factual basis.
- d. Briefly describe the factual basis for the proposition that Qwest’s increase in access and receipt of NUSF monies over-recovers costs incurred by Qwest to support its network (Department Motion ¶ 6). Identify and produce all documents that relate to that factual basis.
- e. Briefly describe the factual basis for the proposition that Qwest’s increase can cause significant harm to consumers in the state of Nebraska by way of increased long distance rates (Department Motion ¶ 7). Identify and produce all documents that relate to that factual basis.
- f. Briefly describe the factual basis for the proposition that Qwest’s access charge increase may be anticompetitive and/or discriminatory (Department Motion ¶ 8). Identify and produce all documents that relate to

that factual basis.

6. Provide a list of all switched access rates currently charged by local exchange carriers in Nebraska.

7. Admit that any local exchange carrier in Nebraska that charges as much or more for switched access compared to Qwest is charging an unjust and unreasonable rate. If your answer to this request is something other than an unqualified admission, state the factual basis underlying your failure to admit.

8. Admit the Department is aware of several other local exchange carriers in Nebraska that charge as much or more for switched access compared to Qwest. If your answer to this request is something other than an unqualified admission, state the factual basis underlying your failure to admit.

9. Admit that any local exchange carrier in Nebraska that charges as much or more for switched access compared to Qwest is receiving an implicit subsidy. If your answer to this request is something other than an unqualified admission, state the factual basis underlying your failure to admit.

10. Admit that if an access rate change is implemented without negotiations with other carriers prior to its implementation, the access rate change is void *ab initio*. If your answer to this request is something other than an unqualified admission, state the factual basis underlying your failure to admit.

Dated: Thursday, June 2, 2005

QWEST COMMUNICATIONS CORPORATION

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**ATTORNEYS FOR QWEST COMMUNICATIONS  
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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing

Discovery was mailed on May 9, 2005, by United States Mail postage prepaid to:

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